

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Bouchard Transportation Co., Inc.,

Plaintiff,

v.

Laurel Shipping LLC and Gulf Oil LP,

Defendants.

Case No.: 1:19-cv-09559-MKV

Hon. Mary Kay Vyskocil

X
**DECLARATION OF SUBSTITUTE
CUSTODIAN**

Laurel Shipping LLC,

Third-Party Plaintiff,

v.

M/V ELLEN S. BOUCHARD, IMO No. 8117952, Official No. 644590, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., M/V MORTON S. BOUCHARD Jr., IMO No. 9794680, Official No. 1265315, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., M/V JANE A. BOUCHARD, IMO No. 9269702, Official No. 1139762, her engines, apparel, furniture, equipment, appurtenances, tackle, etc., and M/V EVENING STAR, IMO number 9629768, Official number 1234828, her engines, apparel, furniture, equipment, appurtenances, tackle, etc.,

Third-Party Defendants.

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I, Alan Swimmer, declare as follows:

8. I am the President of National Maritime Services, Inc. ("NMS"), which is the proposed substitute custodian.

9. I have reviewed the specifications and other information provided to me in regards to the M/V ELLEN S. BOUCHARD, IMO Number 8117952, Official Number 644590, M/V MORTON S. BOUCHARD JR, IMO Number 9794680, Official Number 1265315, M/V JANE A. BOUCHARD, IMO Number 9269702, Official Number 1139762, and M/V EVENING STAR, IMO Number 9629768, Official Number 1234828 (collectively, the "Vessels"), and the Vessels' engines, apparel, furniture, equipment, appurtenances, tackle, etc., and have determined that NMS has adequate personnel and facilities for the storage, care, maintenance, and security of the Vessels.

10. If named substitute custodian, NMS will: (a) comply with all orders of the Captain of the Port, United States Coast Guard, including but not limited to, an order to move the Vessels, and any applicable federal, state, and local laws, regulations, and requirements pertaining to vessel and port safety; and (b) advise the Court, the parties to the action, and the United States Marshal, of any movement of the Vessels pursuant to an order of the Captain of the Port, United States Coast Guard, or otherwise within twenty-four hours of such Vessels movement.

11. The Vessels are currently located in or around the Port of New York.

12. NMS has liability insurance sufficient to protect itself from liability arising from the arrest and protection of the Vessels.

13. NMS's estimated fees and charges for services rendered, including initial mobilization fees and costs for each five day custody period, in acting as Substitute Custodian are set forth in the fee schedule, below:

Description	EST	Units	Unit cost	Amount	Handling Fees	Total
ONE TIME CHARGES						
Mobilization		1	1,950.00	1,950.00		1,950.00
Travel (2) Watchman	✓	4	500.00	2,000.00	300.00	2,300.00
Launch RT	✓	3	1,000.00	3,000.00	450.00	3,450.00
ONE TIME CHARGES						7,700.00
RECURRING CHARGES						
Custodian's liability insurance		4	590.00	2,360.00		2,360.00
Watchmen (4)		5	1,700.00	8,500.00		8,500.00
Custody Fee		5	800.00	4,000.00		4,000.00
Crew Liability (4 crew each)		5	266.72	1,333.60		1,333.60
RECURRING CHARGES						16,193.60
TOTAL CHARGES						23,893.60

Pursuant to 28 U.S.C. § 1746(2), I, Alan Swimmer, verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 14, 2020.

Alan Swimmer
Alan Swimmer, President
National Maritime Services, Inc.